

Assembly Bill No. 2088

Passed the Assembly August 23, 2016

Chief Clerk of the Assembly

Passed the Senate August 17, 2016

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 13211 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2088, Linder. Vehicles: hit-and-run accidents: pleas.

Existing law requires the driver of a vehicle involved in an accident involving either injury to a person other than the driver, or the death of a person, to immediately stop and fulfill specified reporting requirements. Existing law provides that failure to fulfill those requirements is a crime. Existing law requires the Department of Motor Vehicles to immediately revoke the driving privileges of a person convicted of a violation of that provision.

Existing law requires the driver of a vehicle involved in an accident involving only damage to property, or a person who parks a vehicle that becomes a runaway vehicle and damages property, to stop, as applicable, and fulfill specified reporting requirements. Existing law provides that failure to fulfill those requirements is a crime. Existing law authorizes a court to suspend the driving privileges of a person convicted of a violation of that provision for not more than 6 months.

This bill would, commencing January 1, 2018, require a prosecutor who agrees to accept a plea of guilty or nolo contendere from a defendant for a charge of a violation of the latter provision described above in satisfaction of, or as a substitute for, a charge for a violation of the former provision to state on the record whether or not the accident in which the defendant was involved was one in which another person was injured. The bill would require the prosecutor's statement to occur prior to the defendant's waiver of the right to a jury trial. If the prosecution states for the record that the accident in which the defendant was involved was one in which another person was injured, the bill would require the judge to inform the defendant of the consequences described below. If the defense admits that another person was injured in the accident or stipulates to the prosecution's statement and the defendant waives his or her right to a jury trial as to that fact, the bill would require the court, upon accepting the defendant's plea

of guilty or nolo contendere, to order the suspension of the defendant's driving privileges for a period of 6 months, the restriction of the defendant's driving privileges to employment purposes only, as specified, for no more than 6 months, or completion of community service, as the court deems appropriate. By changing the penalty for a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 13211 is added to the Vehicle Code, to read:

13211. If the prosecution agrees to a plea of guilty or nolo contendere to a charge of a violation of Section 20002 in satisfaction of, or as a substitute for, an original charge of a violation of Section 20001, the prosecution shall state for the record the factual basis for the satisfaction or substitution, including whether or not the accident in which the defendant was involved was one in which another person was injured. This statement shall occur prior to both the defendant's waiver of the right to a jury trial as to the charge of a violation of Section 20002 and the defendant's waiver of the right to a jury trial described below. If the prosecution states for the record that the accident in which the defendant was involved was one in which another person was injured, the judge shall inform the defendant of the consequences specified in subdivisions (a) to (c), inclusive. If the defense admits that another person was injured in the accident or stipulates to the prosecution's statement under this section and the defendant waives his or her right to a jury trial as to that fact, the court shall, upon accepting the defendant's plea of guilty or nolo contendere as described in this section, order one of the following consequences:

(a) Suspension of the defendant's privilege to operate a motor vehicle for a period of six months.

(b) Restriction of the defendant's privilege to operate a motor vehicle to necessary travel to and from that person's place of employment for not more than six months. If driving a motor vehicle is necessary to perform the duties of the person's employment, the court may restrict the driving privilege to allow driving in that person's scope of employment. Whenever a person's driving privilege is restricted pursuant to this subdivision, the person shall be required to maintain proof of financial responsibility.

(c) Completion of community service, as the court deems appropriate, by the defendant.

This section shall become operative on January 1, 2018.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2016

Governor